

**UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

CHAIRMAN:

Judge John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

Judge Anthony J. Scirica
United States Court of Appeals
Third Circuit

DIRECT REPLY TO:

Jeffery N. Lüthi
Clerk of the Panel
One Columbus Circle, NE
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Judiciary Building
Room G-255, North Lobby
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<http://www.jpmr.uscourts.gov>

August 8, 2007

J. Michael McMahon, Clerk
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

FILED _____ LODGED _____
RECEIVED _____

AUG 13 2007

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
BY DEPUTY

Re: MDL-1789 -- IN RE Fosamax Products Liability Litigation

(See Attached CTO-29)

Dear Mr. McMahon:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on July 23, 2007. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By Mecca S. Thompson
Mecca S. Thompson
Deputy Clerk



07-CV-05314-ORD

Attachment

cc: Transferee Judge:
Transferor Judges:
Transferor Clerks:

Judge John F. Keenan
(See Attached List of Judges)
(See Attached List of Clerks)

JUL 23 2007

FILED
CLERK'S OFFICE**MDL NO. 1789****UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION*****IN RE Fosamax Products Liability Litigation*****(SEE ATTACHED SCHEDULE)*****CONDITIONAL TRANSFER ORDER (CTO-29)***

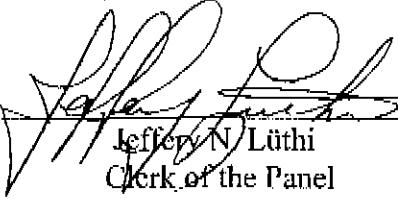
On August 16, 2006, the Panel transferred four civil actions to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See 444 F.Supp.2d 1347 (J.P.M.L. 2006). Since that time, 63 additional actions have been transferred to the Southern District of New York. With the consent of that court, all such actions have been assigned to the Honorable John F. Keenan.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of New York and assigned to Judge Keenan.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Southern District of New York for the reasons stated in the order of August 16, 2006, and, with the consent of that court, assigned to the Honorable John F. Keenan.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:


Jeffrey N. Lüthi
Clerk of the Panel

Inasmuch as no objection is pending at this time, the stay is lifted.

AUG - 8 2007

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

SCHEDULE CTO-29 - TAG-ALONG ACTIONS**MDL NO. 1789****IN RE Fosamax Products Liability Litigation****DIST. DIV. C.A.#****CASE CAPTION****CALIFORNIA CENTRAL**

CAC 2 07-4136

Rose A. Evans, et al. v. Merck & Co., Inc., et al.

CAC 2 07-4172

Marion Goss, et al. v. Merck & Co., Inc., et al.

FLORIDA NORTHERN

FLN 3 07-233

Betty B. Mahanay, et al. v. Merck & Co., Inc.

FLN 3 07-234

Betty Hamm v. Merck & Co., Inc.

KENTUCKY WESTERN

KYW 3 07-320

Marilyn Hill v. Merck & Co., Inc.

WASHINGTON WESTERN

WAW 3 07-5314

Susan A. Unruh v. Merck & Co., Inc.

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MDL NO. 1789
IN RE Fosamax Products Liability Litigation

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MDL NO. 1789
IN RE Fosamax Products Liability Litigation

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Hon. M. Casey Rodgers
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U.S. District Judge
U.S. District Court
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3124 United States Courthouse
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MDL NO. 1789
IN RE Fosamax Products Liability Litigation

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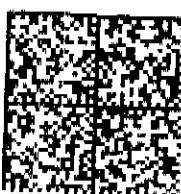
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